

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER AN ISSUED PATENT**

In re Application of: Marc Tremblay et al.  
Application No.: 10/637,169  
Filing Date: 8 August 2003  
Title: Fail Instruction to Support Transactional Program Execution

The owner\*, Sun Microsystems, Inc., of a 100 percent interest in the above-identified instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal of prior Patent No. 7,269,717. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer.

[x] A terminal disclaimer fee of \$130 under 37 C.F.R. § 1.20(d) is included herewith.

[ ] As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further, that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

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Date: 20 February 2008

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\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).